



# Lowell City Council

## *Regular Meeting Minutes*

Michael Q. Geary  
City Clerk

**Date:** December 8, 2020

**Time:** 6:30 PM

**Location:** Pursuant To Governor Baker's Emergency Order Modifying The State's Open Meeting Law Issued March 12, 2020, Meetings Will Be Held Using Remote Participation As Follows: Members Of The Public May Not Participate In-Person And May View The Meeting Via LTC.ORG (On-Line; Live Streaming Or Local Cable Channel 99) And Zoom.

### 1. ROLL CALL

Roll Call showed 9 present (Remote – C. Chau, C. Conway, C. Samaras).

M. Leahy presiding. Meeting was conducted in the Council Chamber; via teleconference with audio stream by LTC; and Zoom due to Covid-19 pandemic.

C. Conway requested moment of silence in darkened chamber for Newton R. Akashian, Jr. and Rev. William P. McSweeney. C. Mercier noted that had trouble hearing C. Conway due to Zoom connection.

### 2. MAYOR'S BUSINESS

#### 2.1. Communication Remote / Zoom Participation:

Pursuant To Governor Baker's Emergency Order Modifying The State's Open Meeting Law Issued March 12, 2020, Meetings Will Be Held Using Remote Participation As Follows: Members Of The Public May View The Meeting Via LTC.Org (On-Line; Live Streaming; Or Local Cable Channel 99) As They May Not Participate In-Person. Those Wishing To Speak Regarding A Specific Agenda Item Shall Register To Speak In Advance Of The Meeting By Sending Email To City Clerk Indicating The Agenda Item And A Phone Number To Call So That You May Be Issued Zoom Link To The Meeting. Email Address Is MGEARY@LOWELLMA.GOV. If No Access To Email You May Contact City Clerk At 978-674-4161. All Request Must Be Done Before 4:00 PM On The Day Of Meeting.

In City Council, **Motion** "To accept and place on file" by C. Elliott, seconded by C. Drinkwater. So voted.



## **2.2. Recognition - InvisaWear.**

In City Council, Christine McCall (DPD) commented about company and introduced owner Rajia Abdelaziz, who addressed the Council. M. Leahy noted the accomplishments of the company. C. Mercier noted young people doing business in the City.

## **3. CITY CLERK**

### **3.1. Minutes Of City Council Regular Meeting November 24th, For Acceptance.**

In City Council, minutes read, **Motion** "To accept and place on file" by C. Rourke, seconded by C. Nuon. So voted.

## **4. GENERAL PUBLIC HEARINGS**

### **4.1. Ordinance - Amend Zoning. (Cont. From 11/10/20)**

In City Council, Given 2<sup>nd</sup> Reading, re-open hearing, hearing held. Matter continued from 11/10/20. Atty. Kevin Murphy spoke in favor of the petition. No Remonstrants. **Motion** to adopt by C. Mercier, seconded by C. Elliott. Adopted per Roll Call vote 9 yeas. So voted. Atty. Murphy commented on the Julian Steele project and acknowledged the assistance the continuance in the matter provided. Atty. Murphy noted acceptance of the Planning Board and that there will be other boards within the City the project would need to come before for review. C. Elliott noted the positive transition of the property and recognized the comments of the Planning Board. C. Mercier commented that first proposal was revised for benefit of all as indicated by the Planning Board. C. Nuon noted project had affordable housing stock. C. Rourke stated it was a positive project. C. Chau noted support of the Lowell Housing Authority. M. Leahy questioned the number of proposed units.

### **4.2. Vote - MRF Vote FY2021.**

In City Council, Given 2<sup>nd</sup> Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Elliott, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted. C. Elliott commented on the tax rate and adopting the shift to lessen burden on residential tax payers. Conor Baldwin (CFO) commented on process to set the factor and that maximum amount is used to benefit residential home owners.

**Motion** by C. Elliott, seconded by C. Nuon to take up Item #7.4 out of order as it relates to this hearing. So voted.

### **4.3. Ordinance - Extend Outdoor Seating.**

In City Council, Given 2<sup>nd</sup> Reading, hearing held. No Remonstrants. **Motion** to adopt by C. Rourke, seconded by C. Nuon. Adopted per Roll Call vote 9 yeas. So voted.



## **5. UTILITY PUBLIC HEARING**

### **5.1. National Grid - Request Installation Of 24 Feet Of Electric Conduit At 179 Bridge Street For Service To Riverwalk Phase II.**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Rourke, seconded by C. Mercier. So voted.

### **5.2. New Cingular Wireless (D/B/A AT&T) - Request Installation Of Wireless Small Cell Facility At 6 Industrial Avenue.**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. Atty. Michael Dolan (AT&T) spoke in favor. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Samaras, seconded by C. Drinkwater. So voted.

### **5.3. New Cingular Wireless (D/B/A AT&T) - Request Installation Of Wireless Small Cell Facility At 282 Appleton Street.**

In City Council, Given 2<sup>nd</sup> Reading. Hearing held. Atty. Michael Dolan (AT&T) spoke in favor. No Remonstrants. **Motion** to refer to Wire Inspector for report and recommendation by C. Elliott, seconded by C. Nuon. So voted.

**Motion** to suspend rules to discuss recent flooding in the Clay Pit area by C. Samaras, seconded by C. Conway. So voted. Manager Donoghue commented on the flooding in the area and will provide a report concerning the issue which causes are rooted in the dam issue and beaver issues. Manager Donoghue noted that new fire chief and emergency service personnel will be brought up to speed on these issues. Manager Donoghue outlined the remedial steps to be taken and the involvement of the Conservation Commission. C. Elliott questioned the involvement of the Conservation Commission. Christine Clancy (DPW) noted the Conservation Commission was brought in under emergency status. C. Samaras noted motion on agenda which will refer discussion to Environmental & Flood Issues SC which will be scheduled for December 22, 2020.

## **6. COMMUNICATIONS FROM CITY MANAGER**

### **6.1. Motion Responses.**

In City Council, **Motion** "To accept and place on file" by C. Drinkwater, seconded by C. Elliott. So voted.

**A) Motion Response - Comcast Internet Service to Support Remote Learning – C. Rourke** questioned why there was such a delay by schools to deal with Comcast. M. Leahy noted he was unhappy with delay in response. C. Rourke noted that Comcast



was trying to be a good partner. M. Leahy noted that Comcast donated a number of computers to high school students.

**B) Motion Response - Father John Sarantos Way Sidewalk** – C. Mercier commented on the amount of time needed to address the issue. Manager Donoghue noted that it would be part of next regular budget and capital budget. C. Mercier requested priority on that list when developed.

**C) Motion Response - Lawrence Street Traffic Mirrors** – C. Nuon commented that a mirror would not be appropriate traffic assistance but stated that some means is needed at that location because of the blind spot. Ms. Clancy noted that mirrors are not recommended by agencies as they may be more harmful than helpful. Manager Donoghue noted that this issue would be brought forward once a new traffic engineer is on board.

**D) Informational - Presentation from CBA on 555 Merrimack St. Project** – Manager Donoghue commented on the project and its history before the Council. Craig Thomas (DPD) commented on the affordable housing aspect of the project. Claire Ricker (Coalition for a Better Acre) provided the body with a presentation entitled “555 Merrimack Street – Sober Community” which reviewed the following aspects of the project: location; existing conditions; proposed project layout; and proposed developer. C. Rourke questioned Lowell House services that would be provided before residents move in. C. Rourke questioned the process in case of relapses while an occupant. C. Rourke noted concern of not having a service provider for treatment and that the project lacked important details. C. Elliott accepted the concept but there is a need for more details. C. Nuon commented on the number of steps needed before you are accepted as a resident and noted that there should be preference for lower income levels. C. Rourke stressed the need for services with the project. C. Samaras noted the presentation and stated that Lowell House should be involved and that there should be preferences for Lowell residents. C. Drinkwater noted that residents seem to be beyond early stages of sobriety. C. Elliott questioned movement of the project. Manager Donoghue noted that the agency was requesting a letter of support and requested feedback from the Council and further noted the need for the Coalition for Better Acre to provide additional information.

**E) Informational - Community Preservation Update** – Manager Donoghue updated information regarding the committee. C. Elliott commented on the revenue generated and questioned if the committee could be expanded. Eric Slagle (Insp. Services) noted the process was governed by statute and use of funds guided by statute as well. C. Elliott questioned the budget process regarding revenues. Mr. Baldwin noted inclusion in FY 2021 Budget. C. Nuon noted that an employee must be hired per statute and that he was not in agreement that any salary be funded by the revenue generated. Mr. Slagle noted that additional work would be required from any employee. Manager Donoghue noted that the legislature is looking to increase matching funding.

**F) Informational - Stop the Spread Billboards** – Manager Donoghue commented on the number of billboards throughout the City and also noted resident-only test sites. Manager Donoghue informed the body of placing of some homeless in the City to get them



off of the street. C. Chau commented on free testing and the costs associated with operating the sites. Mr. Baldwin noted contract for service rendered which include costs of operation of the sites. C. Nuon noted importance of testing sites and recognized the partners in the City with providing housing for those in need. C. Rourke noted concern with article regarding Willow Manor Nursing Home acceptance of covid patients. Manager Donoghue noted no department in the City was informed of such a decision and does not have knowledge of where and how decision was reached but they would be looking into the matter. C. Elliott noted usefulness of the billboards and commented that residents must do their part as well. C. Elliott commented on Cares Act funding. Manager Donoghue commented on reimbursements and noted that there has been no funding regarding loss of revenues in the City which would create a budget shortfall. M. Leahy noted that all correspondence to residents should be in multi languages.

**Motion** to bundle and waive full reading of Items #7.1 to #7.3 inclusive by C. Rourke, seconded by C. Elliott. So voted.

## **7. VOTES FROM THE CITY MANAGER**

### **7.1. Vote- Accept Donation From DCU 2020.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Nuon, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted.

### **7.2. Vote- Accept.Expend 5K Mass Atty Generals Office.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Nuon, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted.

### **7.3. Vote-Accept.Expend Grant-Health Dept 100K Covid 19.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Nuon, seconded by C. Mercier. Adopted per Roll Call vote 9 yeas. So voted.

### **7.4. Vote-Transfer Surplus Overlay.**

In City Council, Read twice, full reading waived with no objections. **Motion** to adopt by C. Rourke, seconded by C. Samaras. Adopted per Roll Call vote 9 yeas. So voted.

## **8. REPORTS (SUB/COMMITTEE, IF ANY)**

### **8.1. Public Safety SC December 8, 2020.**

In City Council, C. Chau noted attendance and discussion of crime statistics throughout City so that neighborhood groups who are unable to meet can get this information. C. Chau reviewed many statistics in each neighborhood including shots fired. **Motion** to accept the report as a report of progress by C. Nuon, seconded by C. Rourke. So voted.



**Motion** to bundle Items #8.2 to #8.4 inclusive by C. Mercier, seconded by C. Nuon. So voted.

**8.2. Wire Insp. - National Grid - Request Installation Of 60 Feet Of 2 Inch Gas Main To Service 39 Campbell Drive.**

In City Council, **Motion** to adopt and accept accompanying order by C. Mercier, seconded by C. Nuon. So voted.

**8.3. Wire Insp. - National Grid - Request Installation Of 50 Feet Of 2 Inch Gas Main To Service 106 Gilmore Street.**

In City Council, **Motion** to adopt and accept accompanying order by C. Mercier, seconded by C. Nuon. So voted.

**8.4. Wire Insp. - National Grid - Request Installation Of Underground Electric Conduit On Appleton Street For Service At 193 Appleton Street.**

In City Council, **Motion** to adopt and accept accompanying order by C. Mercier, seconded by C. Nuon. So voted.

**9. PETITIONS**

**9.1. Claim - (1) Property Damage.**

In City Council, **Motion** to refer to Law Department for report and recommendation by C. Chau, seconded by C. Nuon. So voted.

**Motion** to bundle Items #9.2 to #9.4 inclusive by C. Nuon, seconded by C. Drinkwater. So voted.

**9.2. National Grid - Request Installation Of 24 Feet Of Underground Electric Conduit At Bridge Street At Mass Mills Drive.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to public hearing on December 22, 2020 at 7PM by C. Rourke, seconded by C. Mercier. So voted.

**9.3. National Grid/Verizon NE - Request Installation Of Two (2) Jointly Owned Utility Poles On Varnum Avenue At Elene Street.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to public hearing on December 22, 2020 at 7PM by C. Rourke, seconded by C. Mercier. So voted.

**9.4. Verizon - Request Permission To Install (1) JO Pole At 190 Butman Road.**

In City Council, Given 1<sup>st</sup> Reading, **Motion** to refer to public hearing on December 22, 2020 at 7PM by C. Rourke, seconded by C. Mercier. So voted.



## **10. CITY COUNCIL - MOTIONS**

### **10.1. C. Samaras - Req. City Mgr. Have Proper Department Conduct A Study And Review To Address The Concerns Causing Serious Traffic Issues For Wentworth Avenue.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Samaras noted it was a cut through street with much traffic and a speeding issue. Registered speaker, Brian Meade, addressed the body.

### **10.2. C. Mercier - Req. City Mgr. Provide A Report Regarding Safety Of Our School Buildings; Such As Inspections Of HVAC Unit, Air Quality, And All That Has Been Done To Improve The Health And Safety Of Our School Buildings.**

In City Council, seconded by C. Rourke, referred to City Manager. So voted. C. Mercier noted concern of parents and students and commented that as the owners of the building they should be informing public of all the work being done at the facilities. Manager Donoghue commented on the MSBA accelerated repair program the City has been a part of and the work being done via that program. C. Rourke noted on student testing regarding covid and the free program available to the schools. Manager Donoghue noted free testing is available to students. M. Leahy noted testing would be on next school committee agenda.

### **10.3. C. Conway - Req. City Mgr. Meet With The Lowell Public Health Department, Center For Disease Control, Commonwealth Department Of Public Health And All Other Medical Partners To Give Updates And Strategies For The Second Wave/Increases Of COVID-19 Cases Spreading Throughout Our City.**

In City Council, seconded by C. Samaras, referred to City Manager. So voted. Registered speaker, Bobby Tugbiyele, addressed the Council. C. Conway noted that there has been experience in dealing with the disease and that human behavior needs to be monitored. C. Chau noted that there are many changes involving the pandemic and must keep ahead of those changes. C. Chau suggested using non-profits to supply information to minority groups. C. Rourke lauded the efforts of the City during pandemic. C. Conway recognized the work being done but there are many shifts taking place throughout the pandemic.

### **10.4. C. Elliott - Req. Auditor & Clerk Oversight & Personnel SC Meet Regarding Evaluation Of City Manager, City Auditor And City Clerk.**

In City Council, seconded by C. Nuon, referred to City Council. So voted. C. Elliott amended motion without objection to have City Council meeting regarding evaluations.

### **10.5. C. Elliott/C. Rourke - Req. Environment & Flood Issues SC Meet With Lowell Fire Department Chief And Director Of Emergency Management To Discuss Protocol For Lowering The Bladder Dam To Adjust Water Height In The Clay Pit Watershed For Homes Experiencing Flooding.**



In City Council, no second needed, referred to Environment & Flood Issues SC. So voted. C. Elliott noted prior discussion regarding issue and indicated steps have begun to address issue caused by beaver dams and other flooding causes. C. Rourke noted that there are different scenarios to explore.

**10.6. C. Rourke - Req. City Mgr. Provide An Update From MassDOT Regarding The Rourke Bridge Design.**

In City Council, seconded by C. Nuon, referred to City Manager. So voted. C. Rourke noted upcoming informational meetings and that all partners should be represented. Manager Donoghue noted that MassDOT will be invited to present before the Council.

**10.7. C. Drinkwater - Req. City Mgr. Have Law Department Draft An Ordinance Relative To Responsible Contracting And Community Benefits That Would Establish Goals For The Hiring Of Lowell Residents, Women, People Of Color And Veterans On City Construction Project And Those Receiving Tax Increment Financing Relief Granted By The City; Said Ordinance Would Also Require Contractors To Participate In A Bona Fide Apprentice Training Program To Establish Career Pathways And Meet Stated Goals.**

In City Council, seconded by C. Elliott, referred to City Manager. Adopted per Roll Call vote 9 yeas. So voted. Registered speaker, Viveane Alemao, addressed the body. C. Drinkwater noted worksites should be reflective of the community and commented on possible legal challenges but City should stand behind its residents. C. Mercier commented on Lowell High School project and the efforts to hire evenly across all spectrums. C. Nuon noted that projects should coincide with State rules and regulations. C. Samaras noted protections in place regarding Lowell High School construction. C. Chau noted necessity to support local residents.

**10.8. C. Drinkwater - Req. City Council Vote To Convey Opposition To The MBTA Fiscal Management Control Board Regarding Proposed Service Cuts To Commuter Rail Service.**

In City Council, seconded by C. Nuon, referred to City Manager. **Substitute Motion** by C. Rourke, seconded by C. Mercier request City Manager prepare and distribute report regarding citizens of Lowell use of MBTA services in terms of necessity for transportation purposes for home and work. Adopted per roll call vote 5 yeas, 4 nays (C. Drinkwater, C. Nuon, C. Chau, M. Leahy). So Voted. C. Drinkwater noted hardships caused by lack of service and that timing is important as the board will meet again shortly to amend proposals. C. Rourke noted more is needed to move MBTA as the entity is poorly managed and cuts will be coming so there must be evidence presented regarding Lowell riders and not just a simple request to not cut services and proposed substitute motion. C. Chau noted need for quick action before the board. C. Nuon commented on the many residents who moved to the City because of access to public transportation.





## 11. ANNOUNCEMENTS

In City Council, **Motion** to suspend rules to discuss HR audit bids by C. Elliott, seconded by C. Mercier. So voted. Manager Donoghue commented on prior bids and how they amended those bids so to make it more affordable noting there were six applicants who met that criteria and they would be making a selection shortly. C. Rourke suggested that non-profits may have funds to assist with the audit.

## 12. ADJOURNMENT

In City Council, **Motion** to Adjourn by C. Mercier, seconded by C. Nuon. So voted.

Meeting adjourned at 10:00 PM.

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Michael Q. Geary, City Clerk